



# PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

E. MUSSO et al.

Art Unit: 1711

Application Number: 09/375,239

Examiner: R. Sargent

Filed: August 16, 1999

Attorney Dkt. No.: 108910-09024

For: FOAMING COMPOSITIONS

### PRELIMINARY REMARKS

Commissioner for Patents  
Washington, D.C. 20231

November 27, 2002

Sir:

Prior to initial examination of the above-identified application, Applicants respectfully request consideration of the below remarks.

## REMARKS

In the Office Action dated May 29, 2002, it is indicated that certain claims are rejected over the Klug et al. reference, it being alleged that blowing agent compositions IV, V, D and E as claimed are disclosed by the reference. It is further alleged that it would have been obvious to those of ordinary skill in the art to control foam density by adjusting characteristics such as the amount of

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PTO/SB/30 (08-00)

Approved for use through 10/31/2002 OMB 0651-0031

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## REQUEST

FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/375,239
Filing Date	August 16, 1999
First Named Inventor	E. MUSSO et al
Group Art Unit	1711
Examiner Name	R. Sergent
Attorney Docket Number	108910-09024

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to application Examination and Provisions Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any September 26, 2002 unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Extension of Time

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, fee deficiency or credit any overpayments, to Deposit Account No. 01-2300
- i. ☒ RCE fee (\$740) required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (\$810) (37 C.F.R. §§ 1.136 and 1.1
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 1550.00 Enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Hans J. Crosby	Registration No. (Attorney/Agent)	44,634
Signature		Date	November 27, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date	
Signature		Date	

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